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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/068,804	05/14/98	MILLER	00786/292002

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HM12/0623

EXAMINER  
BASKAR, P

ART UNIT	PAPER NUMBER
1641	8

DATE MAILED: 06/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/068,804**

Applicant(s)  
**Miller I, Samuel**

Examiner  
**Padma Baskar**

Group Art Unit  
**1641**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-45 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1641

### ELECTION/RESTRICTION

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-16, 17-18 and 34, drawn to pure DNA encoding a Salmonella secreted protein, method of making and method of use.

Group II, claim(s) 19, drawn to a method of inducing uptake of bacterial cell.

Group III, claim(s) 20-31, and 44 drawn to a pure Sspc polypeptide.

Group IV, claim 32, drawn to an antibody.

Group V, claim 33, drawn to a method of detecting a Salmonella infection.

Group VI, claim(s) 35-36, drawn to a method of targeting antigen to an epithelial cell.

Group VII, claim(s) 37, drawn to a method of inducing a cytotoxic T-cell immune response.

Group VIII, claim(s) 38-41, drawn to a vaccine.

Group IX, claim(s) 42, drawn to a live Salmonella cell.

Group X, claim(s) 43, drawn to a method of vaccinating an animal.

Group XI, claim(s) 45, drawn to a method of dephosphorylating a protein.

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2. The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature for group III is polypeptide. The special technical feature for group IV is the antibody. The Special technical feature of II is a method of inducing uptake of bacterial cell. The Special technical feature of group V is Salmonella infection. The special technical feature of VI and VII are different. Method for targeting antigen is different than inducing cytotoxic T-cell response. The special technical feature of vaccine VIII is different from a live salmonella infected cell. Similarly the special technical of vaccinating an animal is not same as dephosphorylating a protein in the laboratory.

3. A telephone call was made to Mr Fraser on 5/19/99 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padma Baskar whose telephone number is (703) 308-8886. The examiner can normally be reached on Monday through Friday from 8:30 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Housel, can be reached on (703) 308-4027. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Padma Baskar Ph.D.

6/21/99

  
NITA MINNIFIELD  
PRIMARY EXAMINER